

## Mark Murray-Brown - NOAA Federal

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**From:** Mark Murray-Brown - NOAA Federal  
**Sent:** Wednesday, May 06, 2015 12:11 PM  
**To:** Julie Williams - NOAA Federal  
**Subject:** Fwd: FW: Maine Temperature Rule and 1986 EPA Gold Book criteria

Julie - Can you give me a call to discuss? I asked Ralph for him to send me a follow up regarding what exactly he wanted. I wanted you to at least see this in the meantime.

----- Forwarded message -----

From: **Mark Murray-Brown - NOAA Federal** <[mark.murray-brown@noaa.gov](mailto:mark.murray-brown@noaa.gov)>  
Date: Wed, May 6, 2015 at 11:37 AM  
Subject: Fwd: FW: Maine Temperature Rule and 1986 EPA Gold Book criteria  
To: Rory Saunders - NOAA Federal <[rory.saunders@noaa.gov](mailto:rory.saunders@noaa.gov)>, Julie Crocker <[Julie.crocker@noaa.gov](mailto:Julie.crocker@noaa.gov)>, Kimberly Damon-Randall - NOAA Federal <[Kimberly.Damon-Randall@noaa.gov](mailto:Kimberly.Damon-Randall@noaa.gov)>  
Cc: Christine Vaccaro <[Christine.Vaccaro@noaa.gov](mailto:Christine.Vaccaro@noaa.gov)>

All - I just got off the phone with Ralph. I am not sure exactly what he was looking - he sounded pretty harried with a lot of info.- but it included technical advice about latest developments with their work on the ME Water quality standards, The Gold Book, and recent discussions with ME tribes as well as our own Salmon Recovery Plan work. At one point it sounded like he was asking for input on whether 85 degrees was appropriate or not for salmon in which case they might disapprove the standard but then he mentioned he was working on a request for a consult but had to get it through the lawyers. As I was not sure in the end what he wanted I asked him to regroup and resend an e-mail or letter asking specifically what they were looking for and the questions where we could help.

Tx. Mark

----- Forwarded message -----

From: **Abele, Ralph** <[abele.ralph@epa.gov](mailto:abele.ralph@epa.gov)>  
Date: Wed, May 6, 2015 at 11:12 AM  
Subject: FW: Maine Temperature Rule and 1986 EPA Gold Book criteria  
To: Mark Murray-Brown - NOAA Federal <[mark.murray-brown@noaa.gov](mailto:mark.murray-brown@noaa.gov)>

**Mark:**

**Here's a copy of the email I sent to Lary Zicary and Rory Saunders yesterday. today to t**

**From:** "Abele, Ralph" <[abele.ralph@epa.gov](mailto:abele.ralph@epa.gov)>  
**Date:** May 5, 2015 at 10:27:14 AM EDT

To: "Zicari, Laury" <[laury\\_zicari@fws.gov](mailto:laury_zicari@fws.gov)>, "rory.saunders@noaa.gov" <[rory.saunders@noaa.gov](mailto:rory.saunders@noaa.gov)>  
Subject: Maine Temperature Rule and 1986 EPA Gold Book criteria

Laury and Rory:

Here is the text of the Maine temperature regulations that I mentioned in my message. The regulations reference EPA's national ambient water quality criteria. The referenced version is EPA's 1986 Water Quality Criteria ("Gold Book")  
[http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/upload/2009\\_01\\_13\\_criteria\\_goldbook.pdf](http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/upload/2009_01_13_criteria_goldbook.pdf) The temperature section begins on Page 273.

## 06-096 DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Chapter 582: REGULATIONS RELATING TO TEMPERATURE

SUMMARY: These rules provide safeguards for fresh and salt water fauna in lakes and rivers of the state, by establishing instream limits on temperature resulting from thermal discharges.

**1. Freshwater Thermal Discharges.** No discharge of pollutants shall cause the ambient temperature of any freshwater body, as measured outside a mixing zone, to be raised more than 5 degrees Fahrenheit or more than 3 degrees Fahrenheit in the epilimnion (upper mixed layer) of any lake or pond. In no event shall any discharge cause the temperature of any freshwater body to exceed 85 degrees Fahrenheit at a point outside a mixing zone established by the Board, nor shall such discharge cause the temperature of any waters to exceed the U.S. Environmental Protection Agency's national ambient water quality criteria established to protect all species of fish that are indigenous to the receiving waters at any point outside a mixing zone established by the Board. Site specific criteria, generated from a study conducted according to DEP approved methods for indigenous species of fish as defined in 38 M.R.S.A. Sec. 466, may be substituted for national ambient water quality criteria, so long as the site specific criteria are no less protective of species found to be indigenous to those waters, and so long as the public participation requirements of federal and state law, including those found at 40 CFR Part 25, have been met. When the ambient temperature of any body of water naturally exceeds the limits set forth in this section, no thermal discharge may be allowed which alone or in combination with other discharges would raise the ambient temperature of the receiving water more than 0.5 Degrees Fahrenheit above the temperature which would naturally occur outside a mixing zone established by the Board.

### 2. to 4. Reserved

**5. Tidal Water Thermal Discharges.** No discharge of pollutants shall cause the monthly mean of the daily maximum ambient temperatures in any tidal body of water, as measured outside the mixing zone, to be raised more than 4 degrees Fahrenheit, nor more than 1.5

degrees Fahrenheit from June 1 to September 1. In no event shall any discharge cause the temperature of any tidal waters to exceed 85 degrees Fahrenheit at any point outside a mixing zone established by the Board.

AUTHORITY: 38 M.R.S.A., Sec. 343-A, 464(5)

EFFECTIVE DATE: November 29, 1973

Amended: February 18, 1989

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 4, 1996

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